#359

BILL NO. Z-88-07-18

ZONING MAP ORDINANCE NO. Z-[illegible] Lush

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Lot Number 296 in Samuel Hanna's First Addition to the City of Fort Wayne, Indiana and the West half of the vacated alley adjoining said lot on the East; according to the recorded plat thereof; being the property located at 718 E. Jefferson Street, Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. N-6, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Redd, seconded by Gray, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____,M.,E.S.T.

DATE: 7-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	____	9	_____	_____	_____
BRADBURY	____	✓	_____	_____	_____
BURNS	____	✓	_____	_____	_____
GiaQUINTA	____	✓	_____	_____	_____
HENRY	____	✓	_____	_____	_____
LONG	____	✓	_____	_____	_____
REDD	____	✓	_____	_____	_____
SCHMIDT	____	✓	_____	_____	_____
STIER	____	✓	_____	_____	_____
TALARICO	____	✓	_____	_____	_____

DATE: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____,

ATTEST: SEAL

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Ck # 4104

COMMUNITY DEVELOPMENT & PLANNING

No 2788

FT. WAYNE, IND., 6-17 19 88

RECEIVED FROM Dennis Wheaton $ 50.00

THE SUM OF fifty + 00/100 DOLLARS

ON ACCOUNT OF

rezoning 718 E. Jefferson

P&B

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Catering

I/We Dennis Wheaton (DENNIS WHEATON)
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an ~~Residential~~ R-3 District to a/an ~~Business~~ B-1-B District the property described as follows:

718 EAST JEFFERSON BLVD
~~EX W 1/2~~ LOT 296 HANNA ADD.
AND 5 FT. VAC ALLEY - SEE ATTACHED SURVEY

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Dennis Wheaton	718 East Jefferson BLVD ~~[illegible]~~ Fort Wayne In 46802	Dennis Wheaton
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matte for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

DENNIS WHEATON	6225 OLD BROOK DR FORT WAYNE IN 46835	(219) 4869306
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

718 EAST JEFFERSON BLVD
EX W 1/2 LOT 296 HANNA ADD.
AND 5 FT. VAC ALLEY

Owners of Property

(Name)	(Address)	(Signature)
Dennis Wheaton	6225 Old Brook Dr Fort Wayne In 46835	Dennis Wheaton

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

ESTIMATES
PLATTING
SURVEYS
PLANS

C. ROSS LINDEMUTH

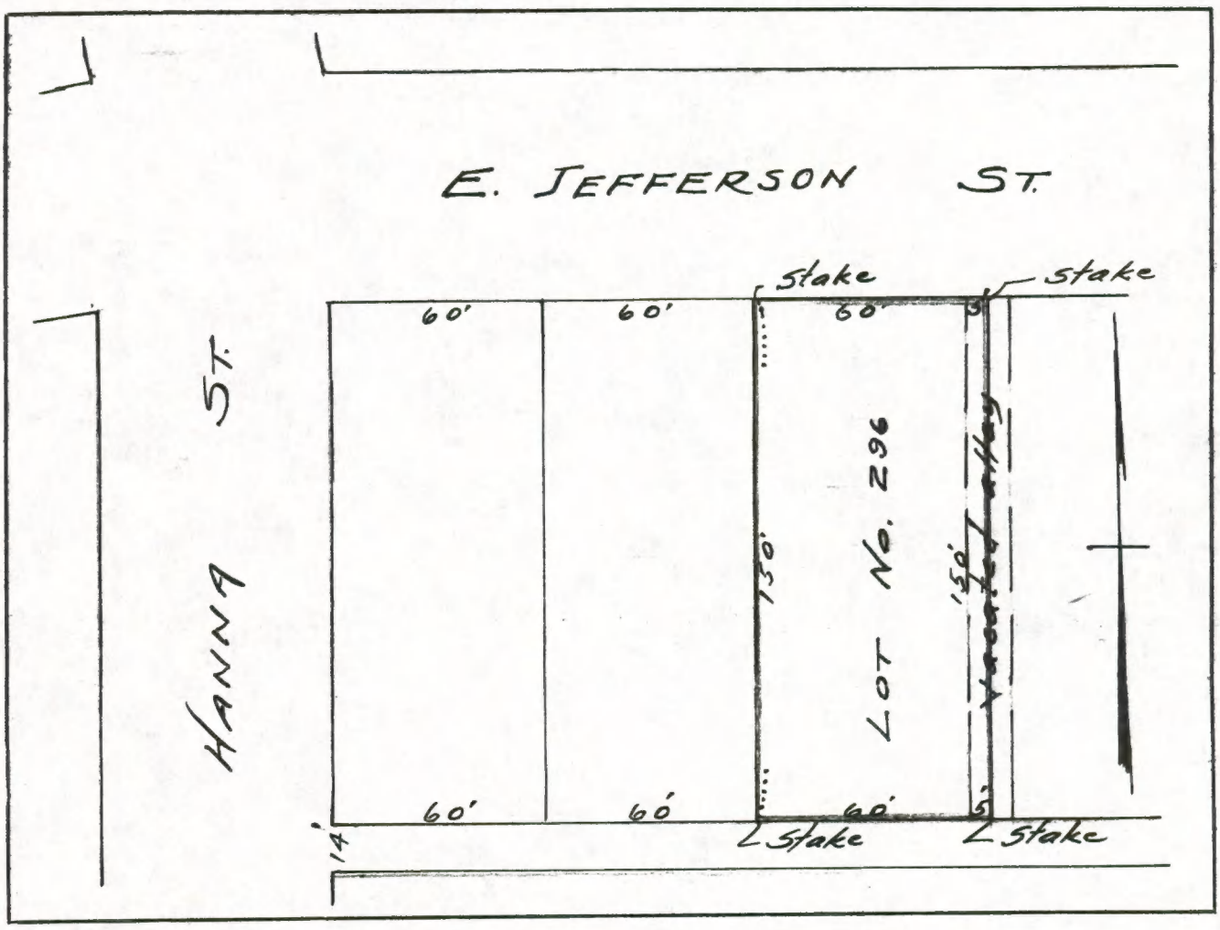
CONSULTING AND PRACTICAL ENGINEERS

TRIER ROAD, R. R. 9

FORT WAYNE 8, INDIANA

TELEPHONE
A-88081

PLAT OF SURVEY



DESCRIPTION

Lot Number 296 in Samuel Hanna's First Addition to the City of Fort Wayne, Indiana, and the West half of the vacated alley adjoining said lot on the East; according to the recorded plat thereof; being the property located at, 718 East Jefferson Street, Fort Wayne, Indiana.

I have made a survey of the above described property this 9th. day of Feb. 19 5
I find the dimensions of said property to be as shown, the improvements to be within the boundary limits of same and I find no encroachments by adjoining property holders.
This survey is made for the use and benefit of Mr. Perry Stahl, owner and their successors and ..... and its assigns.

I hereby certify the above to be correct.

C. Ross Lindemuth

Registered Engineer No. 273

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-07-18, and;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this
28th day of July 1988.

Robert Hutner
Secretary

#359

ORIGINAL

ORIGINAL

DIGEST SHEET

Z-88-0718

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 718 East Jefferson Blvd

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi Family Residential. Property will become B-1-B- Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-88-07-18

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-3 to B-1-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

718 East Jefferson Bl

Reason for Project

Catering Business

Discussion (Including relationship to other Council actions)

18 July 1988 - Public Hearing

The petitioner failed to appear for the public hearing.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

NOTE: The petitioner was notified on July 8, 1988, in writing, of the location and time of the public hearing.

25 July 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the nine (9) members present eight (8) voted in favor of the motion one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Dennis Wheaton City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 June 1988

Projected Completion or Occupancy Date 28 July 1988

Fact Sheet Prepared by Date 28 July 1988
Patricia Biancaniello

Reviewed by Date 8/3/88

Reference or Case Number

BILL NO. Z-88-07-18

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES		NO
	JANET G. BRADBURY CHAIRPERSON	Janet G. Bradbury
	MARK E. GiaQUINTA VICE CHAIRMAN	Mark E. GiaQuinta
	CHARLES B. REDD	Charles B. Redd
	DAVID C. LONG	David C. Long
	PAUL M. BURNS	Paul M. Burns

CONCURRED IN 8-23-88

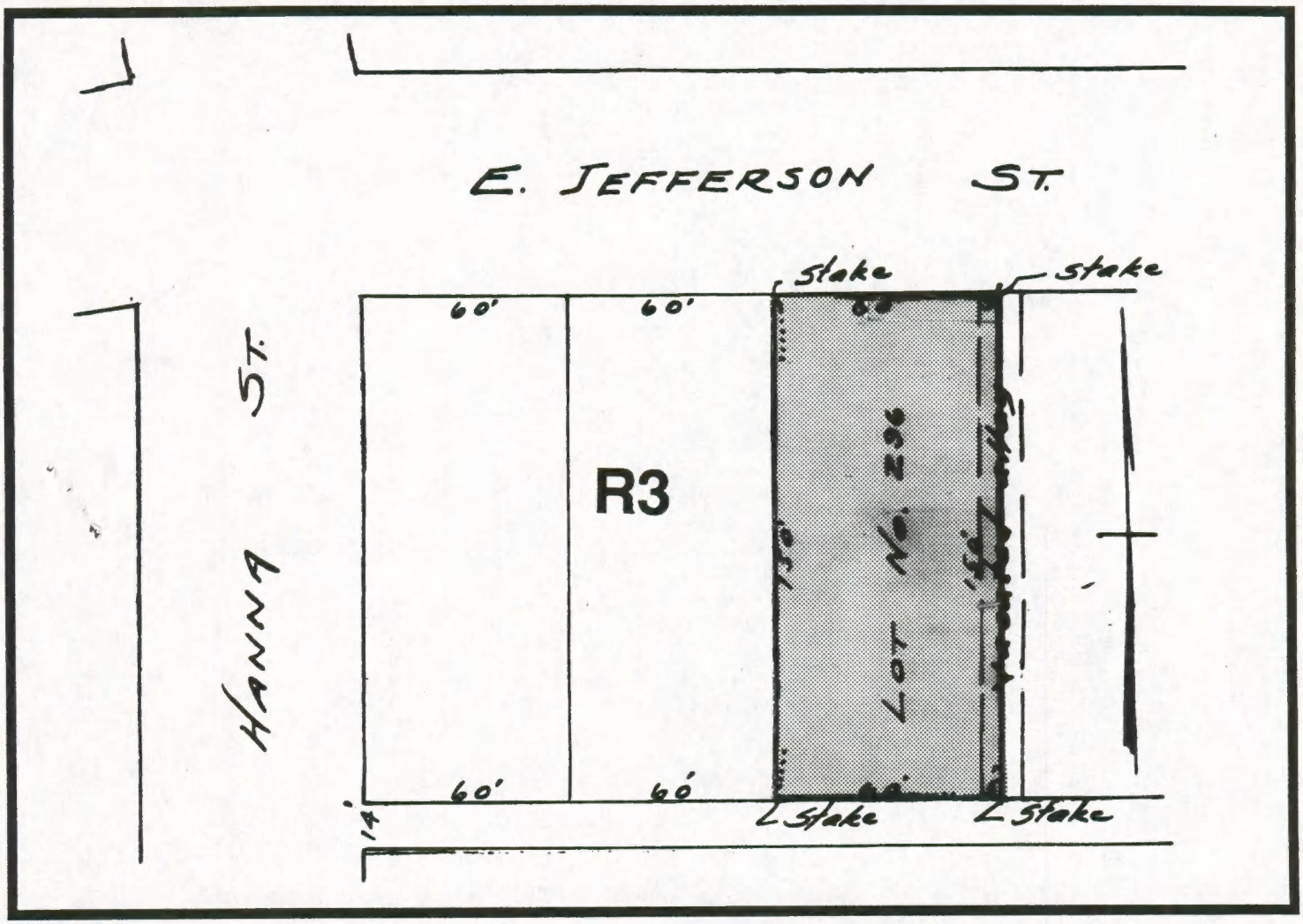
Sandra E. Kennedy
City Clerk

REZONING PETITION #359

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A B1B DISTRICT.

MAP NO. N-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT

LAND USE:

☐ *MULTI - FAMILY*

lw

SCALE: 1"=40'

DATE: 6-24-88